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Richard Dick

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EXAMINER

SHIFERAW, ELENI A

ART UNIT

PAPER NUMBER

2136

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,921	<b>Applicant(s)</b> DICK, RICHARD	
	<b>Examiner</b> ELENI A. SHIFERAW	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/24/2008 has been entered.

2. Applicant's arguments filed 04/24/2008, have been fully considered.

3. Claims 1-20 are pending.

### ***Response to Amendment***

4. Applicant's amendments and arguments are fully considered but are not persuasive.

Regarding the Double Patenting arguments, Examiner respectfully submits that the Office Action provided an analysis of the claims to support the rejection. Furthermore, the language of the patent is more specific than that of the instant application and therefore the claims are not patentably distinct. The Moreover, both inventions are regarding managing information (health data/personal information) of a person (patient/individual) securely and/or the person's information is released when the person authorizes the release ("request electronically authenticated to be authorized by the patient"/ "to not release information ... without receiving authorization from said

individual"). Therefore the nonstatutory obviousness-type double patenting rejection as being unpatentable over claims 1-19 of US patent 6804787 is appropriate and the rejection is maintained. Nevertheless, the instant and copending application are regarding managing data (business data/personal information) in compliance with privacy and release of data requires an approval ("determining whether the consent of the individual has been obtained, wherein the releasing of the requested information to the requestor is performed ...if the consent of the individual has been obtained when the consent is required"/ "if the requested information is not subject to the requirement, releasing the requested information to the requestor"). Therefore, argument is not persuasive, the nonstatutory obviousness-type double patenting as being unpatentable over copending application 11057097 is maintained.

The 112 rejection to claim 14 is withdrawn.

The 112 rejection to claims 3 and 9 are withdrawn.

The 112 rejection to claim 8 is withdrawn.

Regarding applicant's argument Bjorksten failure to disclose "automatically gathering information regarding an individual from a plurality of information sources" remark page 14 par. 2, argument is not persuasive because Bjorksten discloses an automatic information collector to capture personal information about the user and automatically create or add to the master profile or a service profile, via wide area network, based on access and contract rules defined by the user (see par. 0040-0046).

Regarding argument Bjorksten failure to disclose "presenting said information and the sources of said information over the wide area computer network to said

individual to review and verify said information's accuracy," remark page 14 par. 3, argument is not persuasive because Bjorksten discloses an automatic information collector to capture personal information about the user and automatically create or add to the master profile or a service profile, via wide area network, based on access and contract rules defined by the user See par. 0040-0046 as disclosed above.

Moreover, Bjorksten teaches a method for controlling access to stored personal data of a user, a user indicates which portions of personal data of the user are releasable to a second party by agreement regarding use (see fig. 7-10 and 13-14).

Regarding argument Bjorksten failure to teach "accepting commentary on the accuracy of said information based on said review from said individual over the wide area computer network" and including said commentary in said database with said information," remark page 15 par. 1, argument is not persuasive because Bjorksten teaches a data editor provides an editing function and allows a user communicating with the trusted party device, via a user device, to enter a new master profile, edit the master profile, indicate which portions of the master profile may be accessed and by whom, enter the times during which the portions of the master profile may be accessed, change portions of the master profile and delete portions of the master profile (see par. 0040-0041 and fig. 14).

Regarding argument Bjorksten failure to disclose "presenting said selected portions of said information over said wide area computer network to said authorized individual along with identification of said sources of said selected portions of said information and any commentary on the accuracy of said selected portions of said

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information and any commentary on the accuracy of said selected portions of said information provided by said individual" and "providing access to said database and said commentary to third parties," remark page 15 par. 2, argument is not persuasive because Bjorksten teaches use the data editor to create a service profile, make changes to the service profile, delete portions of the service profile, indicate which portions of the service profile may be accessed by a second party associated with the profile and enter a name of the second party, and the profiles may reside either on the user device or on the trusted party (see par. 0039-0042). Therefore Bjorksten teaches claims 15-20.

Regarding argument Shelton and Coleman failure to disclose "A method for controlling a release of personal information comprising: depositing some personal information regarding an individual with a server; obligating organizations that possess additional personal information regarding said individual to not disclose that additional personal information held on the server and to not authorize release of said additional personal information at the obligated organizations without receiving authorization from said individual," remark page 17, argument is not persuasive because Shelton teaches a method of controlling release of patient's confidential medical records by requiring patient's authorization anytime access is requested see col. 4 lines 53-58, col. 8 lines 1-4, col. 3 lines 44-col. 4 lines 24 and col. 16 lines 32-63, storing plurality of patients medical data in a database see col. 3 lines 66-col. 4 lines 2, col. 9 lines 40-45, col. 5 lines 1-9 and fig. 1 elements 13 and 21, organizations (health care info. users are clients, hospitals, doctors, nursing services, insurance companies) see col. 9 lines 9-18,

col. 9 lines 57-63, and fig. 1 elements 10a-c, physicians insurance companies 10b requiring patients confidential info. to be shared with authorized third-parties and server 12, approval agent 16 requesting patient's approval first., no medical document of the patient's is provided without patient's consent see col. 7 lines 40-50, col. 10 lines 18-36, col. 9 lines 1-8, and col. 10 lines 53-col. 11 lines 45 and approval agent 16 is instructed not to release any patient's medical records stored in the database 21 and indexed in a master index 13 without first requesting patient's approval for release see col. 11 lines 32-45, col. 8 lines 1-4. Coleman discloses a method of controlling and/or protecting the privacy of individuals' personal information (see abstract and fig. 2 element 420; protecting personal medical record) by obligating(col. 0041) entities (merchant, insurance companies, see par. 0030) to protect individuals' personal information (0056-0059 and fig. 3) and providing individual generated restrictive notice to obligate entities (par. 0031, 0056-0059), wherein said protect including obligation to entities not to share, transfer, and sell personal information to other entities (par. 0027, 0059, and 0061).

In response to applicant's arguments against the references individually (no obligations are made on such parties in the system of Shelton, remark page 17 line 18), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore the references disclose claims 1-7 and 14.

Regarding Adams failure to disclose "presenting said information over a wide area computer network to said individual to review and verify said information's

accuracy,” “accepting commentary on the accuracy of said information based on said review from said individual over the wide area computer network,” and including said commentary in said database with said information,” remark page 19 par. 2-3, argument is not persuasive because Adams et al. discloses a secure patient test result delivery system (see abstract). Patient is presented information over a wide area computer network (par. 0015-0016) to review and verify and information's accuracy (par. 0085, 0095, 0109; patient logging online and editing patient database 560, that contain name, unique ID, phone number, address .... and editing to allow release of her/his information to physicians); patient accepting commentary (checking release box, pars. 102-109) on the accuracy of said information based on said review from said individual over the wide area computer network (par. 0118; patient checking a medical release box via network for review by physicians) and including said commentary in said database with said information (0085, 0095, 0109 and 0118). Therefore the references disclose claims 7-13.

### ***Claim Objections***

5. Claim 1 in line 8 is objected to because of the following informalities:

“enterprise/server”. Appropriate correction is required.

6. Claim 11 is objected to because: there is no antecedent bases to “said commentary,” in lines 1-2.

### ***Double Patenting***

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the



unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

8. A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) or 1.321 (d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**9. Claims 1-13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,804,787.**

10. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1-13 correspond to the claims 1-19 of the patent claims and encompass the scope of claims 1-13 of the instant application.

11. The instant application generally claims a method for controlling a release of personal information.

12. Patent 6,804,787 claims similar limitations except "health information", "a requester", "patient", "a single point entry/exit", and "request electronically authenticated to be authorized by the patient" (see claim 1).

13. However the instant application claims equivalent words/limitations: "personal information", "organizations", "individual", "server", and "to not release information ... without receiving authorization from said individual", respectively (see claim 1).

14. They are equivalent because in the instant application page 19 lines 4 discloses personal information including medical records. Page 19 paragraph 3-page 20 paragraph 2 discloses a requester being a medical organization. Fig. 2 discloses a user 100 that is patient to medical organizations 106 and/or third party insurance company 112. On page 20 paragraph 1, disclosed each of the organization contractually agrees to first contact enterprise/server 102 before releasing any information about the user so the server 102 can inform and request the user 100 if request to release confidential information is acceptable or not. On page 10 paragraph 2 the instant application discloses member/user/patient receiving an electronic alert, such as email, when information about the member is accessed or requested and on page 20 paragraph 1

disclosed when confidential information request is received the user must be contacted before releasing access.

15. Claims 1-13 of the instant application would have been obvious, to one ordinary skill in the art at the time of the invention was made over claims 1-19 of the patent 8404787 because using a different equivalent word does not make the application invention distinct.

16. Claims of the instant application therefore are not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (In' re Goodman (CAFC) 29 USPQ2D 2010 (13/3/1993)).

**17. Claims 1-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-24 of copending Application No. 11057097.**

18. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1-13 correspond to the claims of the copending claims and encompass the scope of claims 1-13 of the instant application.

19. The instant application generally claims a method for controlling a release of personal information.

20. Copending application 11057097 claims similar limitations except "if the requested information is not subject to the requirement, releasing the requested information to the requestor" (see claim 1). However, Copending application claims, "determining whether the consent of the individual has been obtained, wherein the

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releasing of the requested information to the requestor is performed ...if the consent of the individual has been obtained when the consent is required" (see claim 1), which is equivalent to the instant application.

21. Claims 1-13 of the instant application would have been obvious, to one ordinary skill in the art at the time of the invention was made over claims 1-24 of copending Application No. 11057097 because using a different equivalent word does not make the application invention distinct.

22. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**24. Claims 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bjorksten et al (US Patent Application Publication 2003/0097451, hereinafter Bjorksten).**

**Regarding claim 15,** Bjorksten teaches

a method for creating and sharing a database of verified personal information comprising **(abstract)**:

automatically gathering information regarding an individual from a plurality of information sources over a wide area computer network (**par. 46**);

presenting said information and the sources of said information over the wide area computer network to said individual to review and verify said information's accuracy (**par. 40-41**);

accepting commentary on the accuracy of said information based on said review from said individual over the wide area computer network (**par. 40-41**);

including said commentary in said database with said information (**par. 41-44**);

receiving a request over said wide area computer network from an authorized individual to review selected portions of said information (**par. 40**);

presenting said request to said individual for authorization (**par. 40-41**);

presenting said selected portions of said information over said wide area computer network to said authorized individual along with identification of said sources of said selected portions of said information and any commentary on the accuracy of said selected portions of said information provided by said individual (**par. 39-42**); and

providing access to said database and said commentary to third parties (**par. 41-46**).

**Regarding claim 16**, Bjorksten teaches

supplementing said information regarding the individual by a continuous gathering process (**par. 41-46**);

notifying said individual of updates to said information located by said continuous gathering process (**par. 45-48**); and

accepting further commentary on the accuracy of said updates to said information from said individual over the wide area computer network (**par. 45-49**).

**Regarding claim 17**, Bjorksten teaches receiving a search of said database from a third party that results in information about said individual being displayed to said third party; and notifying said individual of said search and said display (**par. 61-64**).

**Regarding claim 18**, Bjorksten teaches receiving additional information from said individual over the wide area computer network (**par. 61-64**); and receiving a designation from said individual designating said additional information as one of: information to be made available to all subscribers of said database; and information to be released only upon specific authorization of said individual (**par. 40-42, 61-64**).

**Regarding claim 19**, Bjorksten teaches wherein the commentary on the accuracy of said information comprises an indication that a portion of said information is incorrectly associated with said individual (**par. 67-70**).

**Regarding claim 20**, Bjorksten teaches requiring said third parties to register with said database and present said database with identifying information prior to providing access to said database and to said commentary to said third parties (**par. 36-38, 96-98**).

#### ***Claim Rejections - 35 USC § 103***

25. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**26. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton USPN 7,028,049 B1 in view of Coleman PG Pub 2004/0139025 A1.**

**Regarding claim 1**, Shelton discloses

a method for controlling a release of personal information (**col. 4 lines 53-58, col. 8 lines 1-4, col. 3 lines 44-col. 4 lines 24 and col. 16 lines 32-63; controlling release of patient's confidential medical records by requiring patient's authorization anytime access is requested**) comprising:

depositing some personal information regarding an individual with an server (**col. 3 lines 66-col. 4 lines 2, col. 9 lines 40-45, col. 5 lines 1-9 and fig. 1 elements 13 and 21; plurality of patients medical data stored in a database**);

organizations (**col. 9 lines 9-18, col. 9 lines 57-63, and fig. 1 elements 10a-c; health care info. users are clients, hospitals, doctors, nursing services, insurance companies...**) that possess additional personal information regarding said individual to not disclose that additional personal information without authorization from said server (**col. 7 lines 40-50, col. 10 lines 18-36, col. 9 lines 1-8, and col. 10 lines 53-col. 11 lines 45; physicians insurance companies 10b requiring patients confidential info. to be shared with authorized third-parties and server 12, approval agent 16 requesting patient's approval first..., no medical document of the patient's is provided without patient's consent**); and

instructing said server to not release said some personal information held on the server and to not authorize release of said additional personal information\_at the organizations without receiving authorization from said individual (**col. 11 lines 32-45, col. 8 lines 1-4; server 12~approval agent 16 is instructed not to release any**

**patient's medical records stored in the database 21 and indexed in a master index 13 without first requesting patient's approval for release).**

Shelton is silent about obligating organizations that possess personal information regarding said individual to not disclose that information without authorization from said enterprise/server.

However, Coleman discloses a method of controlling and/or protecting the privacy of individuals' personal information **(see abstract and fig. 2 element 420; protecting personal medical record) by obligating(col. 0041) entities (merchant, insurance companies, see par. 0030) to protect individuals' personal information (0056-0059 and fig. 3)** and providing individual generated restrictive notice to obligate entities **(par. 0031, 0056-0059)**, wherein said protect including obligation to entities not to share, transfer, and sell personal information to other entities **(par. 0027, 0059, and 0061).**

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Coleman within the system of Shelton because they are analogous in protecting personal confidential data. One would have been motivated to incorporate the teachings, of obligating organizations/entities not to disclose individuals' confidential data, because it would restrict the organization/entities from sharing or transferring individuals confidential information without individual's permission.

**Regarding claim 2**, Shelton discloses the method, wherein said enterprise/server is Internet- accessible **(col. 9 lines 19-32 and lines 41-45).**



**Regarding claim 3**, Shelton discloses the method, further comprising using WebCrawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources (**col. 16 lines 64-col. 17 lines 12; web robot**).

**Regarding claim 4**, Shelton discloses the method wherein said individual is a member of a database service (**col. 3 lines 66-col. 4 lines 2, col. 9 lines 40-45, col. 5 lines 1-9 and fig. 1 elements 13 and 21**).

**Regarding claim 5**, Shelton discloses the method wherein said personal information comprises database entries (**col. 3 lines 66- col. 4 lines 2, and fig. 1 elements 13 and 21**).

**Regarding claim 6**, Shelton discloses the method wherein said obligated organizations are subscribers to a database service (**col. 9 lines 57-col. 10 lines 4 and col. 5 lines 33-35**).

Regarding claim 14, Coleman further teaches the method, wherein obligating organizations that possess additional personal information regarding said individual to not disclose that additional personal information without authorization from said server (0025-0032) and comprises:

receiving a disclosure from said individual at said server identifying said organizations that possess said additional personal information (**par. 0031, 0056-0059**);

contacting said organizations that possess said additional personal information with said

server (**par. 0027, 0059, and 0061**); and

receiving a contractual agreement from said organizations that possess said additional personal information to not release said additional personal information to third parties without

first contacting said server for authorization (0030, 0041, **0056-0061 and fig. 3**). The rational for combining are the same as claim 1 above.

**27. Claims 7-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton USPN 7,028,049 B1 in view of Adams et al. PG Pubs 2002/0013519 A1.**

**Regarding claim 7**, Shelton discloses a method for creating a database of verified personal information (**col. 4 lines 53-58, col. 8 lines 1-4, col. 3 lines 44-col. 4 lines 24 and col. 16 lines 32-63; controlling release of patient's confidential medical records of database 21 master index 13 by requiring patient 's verifying anytime access is requested**) comprising:

gathering information regarding an individual (patient)(**col. 3 lines 66-col. 4 lines 2, col. 9 lines 40-45, col. 5 lines 1-9 and fig. 1 elements 13 and 21; plurality of patients medical data stored in a database**);

receiving a request over said wide area computer network (**WAN see col. 9 lines 1-8**) from an authorized individual (**physicians/insurance companies 10b**) to review selected portions of said information (**col. 9 lines 57-col. 10 lines 36, and col. 10 lines 53-col. 11 lines 45; physicians/insurance companies 10b requesting patients confidential info.**);

presenting said request to said individual (patient) for authorization (**col. 11 lines 31-45, col. 8 lines 1-4, and col. 10 lines 53-col. 11 lines 20; server 12 approval agent 16 indicating/presenting that a request has been made for the records selected by the requesting client 10 to the patient for authorization**);

presenting said selected portions (**patient history, comprehensive medical records, lab reports, test results, prescription drug records...**, see **col. 7 lines 5-12**) of said information over said wide area computer network to said authorized individual (**physicians/insurance companies 10b**) (**col. 16 lines 32-63, col. 11 lines 4-53, col. 10 lines 18-35, and col. 7 lines 40-50**); and

providing access to said database and said commentary (**patient consent/evidentiary documentation of the propriety**) to third parties (**insurance company/other doctor**) (**col. 7 lines 40-50, col. 6 lines 12-15, and col. 16 lines 32-63**).

Shelton discloses presenting request to patients' medical record by email/fax. Shelton is silent regarding presenting said information over a wide area computer network to said individual (patient) to review and verify said information's accuracy; accepting commentary on the accuracy of said information based on said review from

said individual over the wide area computer network; and including said commentary in a database with said information.

However Adams et al. discloses a secure patient test result delivery system (**see abstract**). Patient is presented information over a wide area computer network (**par. 0015-0016**) to review and verify and information's accuracy (**par. 0085, 0095, 0109; patient logging online and editing patient database 560, that contain name, unique ID, phone number, address .... and editing to allow release of her/his information to physicians**); patient accepting commentary (**checking release box, pars. 102-109**) on the accuracy of said information based on said review from said individual over the wide area computer network (**par. 0118; patient checking a medical release box via network for review by physicians**) and including said commentary in said database with said information (**0085, 0095, 0109 and 0118**).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Adams et al. within the system of Shelton because they are analogous in patient medical data protection by requiring patients approval. One would have been motivated to do so because a patient would review and verify his/her information for editing/upgrading current info. and allowing or denying access to physicians.

**Regarding claim 8**, Shelton discloses wherein said wide area computer network is an Internet (**col. 9 lines 19-32 and lines 41-45**).

**Regarding claim 9**, Shelton discloses wherein said the step of gathering information further comprises using WebCrawler programs to locate and retrieve

publicly- available information regarding said individual individuals from a plurality of Internet-accessible sources (**col. 16 lines 64-col. 17 lines 12; webrobot**).

**Regarding claim 10**, Shelton discloses wherein said individual is a member of a database service (**Shelton col. 3 lines 66-col. 4 lines 2, col. 9 lines 40-45, col. 5 lines 1-9 and fig. 1 elements 13 and 21**).

**Regarding claim 12**, Shelton discloses wherein said third parties are subscribers to a database service (**col. 7 lines 40-50**).

**Regarding claim 13**, Shelton discloses wherein said authorized individuals are members of a database service (**col.9 lines 57-col. 10 lines 4 and col. 5 lines 33-35**).

**28. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton USPN 7,028,049 B1 in view of Adams et al. PG Pubs 2002/0013519 A1 and further in view of Bjorksten.**

**Regarding claim 11**, Shelton and Adams fail to disclose the method wherein said commentary includes explanations of incorrect information in said database. However, Bjorksten discloses the method wherein said commentary includes explanations of incorrect information in said database (see par. 0039-0042). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings because they are analogous in controlling personal data. One would have been motivated to modify the teachings to further include correct or updated user information in the database.

### ***Conclusion***

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29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENI A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. A. S./  
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